

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

BILL LIETZKE,

Plaintiff,

vs.

CITY OF MONTGOMERY, TODD
STRANGE, and KEVIN MURPHY,

Defendants.

CV 15-11-GF-BMM

**ORDER ADOPTING FINDINGS
AND RECCOMENDATIONS OF
MAGISTRATE JUDGE**

Plaintiff Bill Lietzke filed a complaint on January 16, 2015, that alleged numerous tort claims and claims based on violations of his constitutional rights against the city of Montgomery, Alabama and its law enforcement officers. (Doc. 2). Lietzke's claims arise from an incident that took place in Montgomery, Alabama. *Id.* Lietzke proceeds pro se.

United States Magistrate Judge Johnston entered Findings and Recommendations in this matter on January 21, 2015. (Doc. 4). Judge Johnston granted Lietzke's motion to proceed in forma pauperis. *Id.* Judge Johnston concluded that this Court lacks jurisdiction over Lietzke's claim and that venue would be improper in the District of Montana. *Id.* Judge Johnston recommended that this Court dismiss Lietzke's complaint with prejudice. *Id.*

Lietzke filed objections to Judge Johnston's Findings and Recommendations on January 30, 2015, January 30, 2015, and on February 2, 2015. (Doc. 5, 6, 7). The Court will review de novo the portions of the Findings and Recommendations to which Lietzke's has filed timely objections. 28 U.S.C. § 636(b)(1).

Lietzke's timely objections appear to be proposed orders regarding Lietzke's claims. (Doc. 5, 6, 7). Lietzke fails to object to any particular factual finding or recommendation of Judge Johnston. The Court will review for clear error the remainder of the Findings and Recommendations. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no clear error in Judge Johnston's Findings and Recommendations, and adopts them in full.

None of the parties in this case are found in Montana. The Court lacks personal jurisdiction. Fed. R. Civ. P. 4(k)(1)(A); Mont. R. Civ. P. 4(b)(1). Lietzke did not reside in Montana at the commencement of this action and no defendant resides in Montana. Lietzke's claims arise from actions that took place outside Montana. Venue is improper in any division of the Court. Local Rule 3.2(b); 28 U.S.C. § 1291(b). These defects could not be cured by any amendment.

IT IS HEREBY ORDERED:

1. Plaintiff's complaint (Doc. 2) is DISMISSED WITH PREJUDICE.

2. Judge Johnston's Findings and Recommendations (Doc. 4) are ADOPTED
IN FULL.
3. The Clerk is directed to have the docket reflect that the Court certifies
pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any
appeal of this decision would not be taken in good faith.

DATED this 5th day of February, 2015.



Brian Morris
United States District Court Judge